

Saline Courthouse  
Rose vicinity  
Delaware County  
Oklahoma

HABS No. OK-33

11200  
OKLA.  
21. 10. 1917  
1-

PHOTOGRAPHS

HISTORICAL AND DESCRIPTIVE DATA

Historic American Buildings Survey  
National Park Service  
Department of the Interior  
Washington, D.C. 20243

HISTORIC AMERICAN BUILDINGS SURVEY

SALINE COURTHOUSE

HABS No. OK-33

HABS  
OKLA.  
21-ROSEN  
1-

Location: Rose Vicinity, Delaware County, Oklahoma.  
USGS Rose Quadrangle, Universal Transverse Mercator  
Coordinates: 15/318350/4008680.

Present Owner: State of Oklahoma.

Present Use: None; awaiting development as a State Historic Site.

Significance: This simple frame structure is the last remaining representative of the system of district courts of the Cherokee Nation. As such it is a reflection of an aspect of jurisprudence rare in American history: a court operating within the United States, but for most of its existence subject only to the Cherokee Constitution, and not to the United States Government; the judiciary of a civilized people who regarded themselves as sovereign, and as a peer of the United States.

PART I. HISTORICAL INFORMATION

A. Physical History:

1. Date of erection: 1884-1887.
2. Architect: Not known.
3. Original and subsequent owners: The following is a complete chain of title for the property on which the structure now stands. Reference is to the office of the County Clerk, Delaware County Courthouse, Delaware County, Oklahoma. Records are unavailable for title to the property prior to 1906, since there was no private ownership of land within the Cherokee Nation, the National Council successfully resisting allotments in severalty by the Government of the United States until 1906, in preparation for the final dissolution of the Cherokee Government, and the coming of statehood:

Reference is to the abstract on file for the property with  
Warranty Deed  
Florine Ransom  
to  
State of Oklahoma  
21 Dec 1970

ABSTRACT OF TITLE  
NO. 7296  
compiled by the  
GRAND RIVER ABSTRACT AND TITLE COMPANY  
BONOED ABSTRACTERS  
JAY, OKLAHOMA

"a tract of land lying in lots 3 and 4 of section 18 T 20 north  
Range 22 east, Delaware County, Oklahoma"

Allotment Deed  
Cherokee Nation  
to  
Felix M. Teehee  
May 28, 1906  
recorded Book 12, p. 344, records of Commission to the Five  
Civilized Tribes, Muskogee, OK.

Filed Dec. 8, 1909  
Book C, p. 17, Clerk's office, Delaware County

Warranty Deed  
Felix M. Teehee and wife  
to  
Della Wilson  
August 25, 1909  
recorded August 28, 1909  
Book 18, p. 162

Quitclaim Deed  
Della Wilson  
to  
Felix Teehee  
August 8, 1911  
August 10, 1911, Book 19 p. 467

Warranty Deed  
Felix M. Teehee and wife  
to  
John M. Phillips  
July 30, 1912  
Aug. 13, 1912  
Book 14, p. 240

Allotment Deed  
Cherokee Nation  
Annie M. Toney, enrolled as Annie M. Teehee  
March 30, 1909  
May 17, 1909, Book 70, p. 130  
Dec. 8, 1909, Book D, p. 406

Order Confirming Sale of Real Estate  
Joe I. Wilson, Guardian for the estate of Ethel J. Wright, a  
minor  
to  
Della Wilson  
16 Sept., 1908  
filed Sept. 20, 1908, Book 2, p. 197

Warranty Deed  
Della Wilson and Husband  
to  
Grand Lodge Independent Order of Odd Fellows of Grand  
Jurisdiction of Indian Territory for the use and benefit of same  
Lodge #255

and to the school district no. 63  
Sept. 11, 1909  
Oct. 23, 1909, Book 18, p. 262

Warranty Deed  
D. Wilson and husband  
to  
John M. Phillips  
Aug. 8, 1911  
Aug. 19, 1911, Book 25, p. 394

John M. Phillips and Poca Phillips, his wife  
to  
John R. Phillips  
Nov. 27, 1919  
Jan 15, 1920, Book 68m, p. 490

Quitclaim Deed  
H. B. Rogers, S. I. Wilson and Frank Lovette  
Trustees of Elm Lodge #467, IOOF and successors to the trustees  
of Saline Lodge #255 IOOF  
to  
John R. Phillips  
Feb 19, 1924  
July 21, 1924, Book 75, p. 447

Quitclaim Deed  
Ethel J. Harris, formerly Ethel J. Wright  
to  
John R. Phillips  
July 20, 1924  
Aug. 21, 1924, Book 92, p. 12

Warranty Deed  
John R. Phillips and Ella Phillips  
to  
S. W. Perkins  
Oct. 28, 1924  
Nov. 6, 1924, Book 90, p. 536

Warranty Deed  
Felix M. Teehee and Moody M. Teehee  
to  
S. W. Perkins  
Sept. 5, 1933  
Sept. 5, 1933, Book 117, p. 515

Joint Tenancy, Warranty Deed  
Vinnie Perkins Lindgren and Fred Lindgren  
to  
Lee Ransom and Florine Ransom  
Jan. 25, 1952  
May 17, 1952, Book 193, p. 636

4. Builder, contractor, suppliers: The builders of the house are unknown, but William O. Hale, a well known freighter in the area, hauled the wood for the original courthouse from Fort Smith, Arkansas.
5. Original plans and construction: On November 20, 1883, the Cherokee National Council passed an act to provide the nine districts of the nation with comparable structures in which to hold district court. The Council and the districts issued specifications by which these were to be built (one published set of specifications appears in the following paragraph, for a district other than Saline), but there was no assurance that the wishes of either jurisdiction would ultimately be carried through. The Saline structure seems to have been originally built to comply with the specifications. Its plan was originally the requisite twenty by thirty one feet. The structure as it stands now is approximately twenty feet longer (to the south) than when it was first built. The north portion of the present building is the original courthouse. The entrance was in the present north wall, where the fireplace now stands. There was an unroofed porch or veranda before this, with three steps leading to the door. There was no interior stair at that time, but one on the east exterior wall runs from north to south, with an entrance to the second floor at the top and one to the first below, beneath the stair. The court was held in the large south room of the second floor, (the present plan of this portion of the structure, with the exception of the interior stair, seems to be original. However, according to Tulsa World article, the upstairs was originally divided to only two rooms), the downstairs rooms being for assembly and waiting.

The following excerpt from Indian Chieftain describes contract bidding and construction specifications:

"Court House Will be Sold

According to a recent law passed by the Cherokee Council at the last session and approved by president Roosevelt, the nine district court houses will be sold to the highest Cherokee citizen bidder on the 15th of February next. The stray agent for the several districts are...agents for the disposal of the district court houses, and they have advertised...above date.

L.P. Isbeit...of this city, stray agent for Delaware District will sell the Delaware district court house four miles south of Grove to the highest bidder as per law above mentioned."

VINITA INDIAN, CHIEFTAIN, February 21, 1884, page 2  
column 4 Notice to Contractors

"By authority of law entitled "An Act Making an Appropriation to build Court Houses in the several District of the Nation", we the undersigned committee will let to the lowest bidder, on Saturday, the 22d day of March, 1884, the contract to build a Court house in Cooweescoowee District, near the old court-house.

No bids received over one thousand dollars. The person taking the contract will be required to give bond and security for a complete and faithful fulfillment of the contract. House to be completed by the first Monday in May, 1884. The committee have the right to reject any and all bids.

The house shall (sic) be of the following dimensions and specifications; of wood or stone, to wit: twenty one feet in width by thirty three feet in length, two stories high with walls sixteen feet, one room in the lower storey and four rooms in the second storey, connected by a flight of stairs from the inside. To be furnished inside of ceiling with raised platform, jury box and bar, with two doors below and one door to each room above; with eight windows, eight lights 10 x 16 each, above and below and the whole painted inside and out with lead and oil and covered with first class shingles.

Further specifications...18 inches below the surface of the ground 18 inches thick...post oak sills, squaring 8 x 10 inches, hewed on four sides, mortised, tenoned and pinned together. Studding, 2 x 6, 16 feet long and

tenoned to sills, double plated with...something on top, braced on outside with yellow pine boards...notched in studding and sills lower joists 2 x 10, 20 inches from center to center, supported in center by dry stone piers and one row of bridging on each side all floors to be best yellow pine, dressed, tongued and grooved, six inches wide by one inch thick two doors for first story, something by six feet 1-1/2 inches thick (maybe 2 ft. 10 in. by 6 ft. 10 in.) four doors for second story 2 ft. 8 in. by 6 ft. something and something thick. All windows to be good something sash with wieghts (sic) and locks All door and window sills to be of good yellow pine (2 x 3). Doors to be hung with 3-1/2 x 3-1/2 loose pin bolts Lower doors to be fastened with heavy...lock...upper doors with best...locks. Lower story to be of nine feet clear with four feet wainscoting and a top piece with moulding under it, the balance of the wall lathed and plastered...two coats of hard finish, ceiled overhead with best 5 - 8 inch ceiling. Second floor joists 2 x 16 resting on 1 x 6 yellow pine boards, notched and spiked to studding placed 16 inches from center to center...(further specifications call for hipped roof and dormers (8) "with valleys tinned") (Col. 3, p.2, Jan. 16, 1902).

6. Alterations and additions: Joe I. Wilson bought the courthouse about 1900, having owned other buildings on the property, most particularly the Teehee and Badgett store to the west of the courthouse. He may have extended the building to the south, but there are indications that this had already been done when Wilson occupied the building. He built the porch along the west side. Wilson moved his store into the first floor of the courthouse, and used the second floor for living quarters. John Phillips bought the building in 1912, for use as a residence. The north room was the living room, the large south room was the dining room, and the small room on the far south end was the kitchen. All upstairs rooms were bedrooms. Indoor plumbing was added to the courthouse in the twenties or thirties, probably by S. W. (Grandpa) Perkins, who bought the courthouse in 1933. Perkins closed the north entrance and built the present stone fireplace, and moved the stair indoors. He is also said to have built the stone springhouse and retaining wall just northwest of the building.
- B. Historical Context: The Cherokee Constitution, enacted and approved in 1839, made comprehensive provision for the establishment and functioning of the Judiciary within the Nation. Among the provisions was one for local courts for the then eight districts of the Nation. These district courts were served by regular judges elected for a term of two years, and had jurisdiction over misdemeanors and civil cases involving less than one hundred dollars. Most cases held right of appeal to the Supreme Court in Tahlequah. Sessions began on the first Mondays of January and July.

The National Council further provided for places of holding court for the various districts over the years, and in 1883 enacted a law appropriating funds for a uniform set of courthouses in the nine districts. The present Saline Courthouse is the only remaining structure of all the district courthouses.

The seat of district government embodied in the Saline Courthouse had been moved three times. In 1841 it was near the property of Samuel Bell; in 1847 it was moved to the Joseph Riley property; in 1875 to "Little Davids;" and finally between 1884 and 1889 the present building was constructed near the spring and home of Joseph Teehee.

Numerous prominent Cherokee served as presiding judge of the Saline district court. They were:

Bluford West 1841  
Bird Doublehead 1843 and 1845  
John McIntosh 1847  
Benjamin B. Wisner 1849  
Joseph V. Chugan 1851  
Archibald Vann 1853  
David Rowe, 1855 and 1857  
Andrew Ross 1859  
Not known 1861  
Charles Wickliffe 1867 and 1869  
Saturday Vann 1871, suspended  
Redbird Sixkiller, June 6, 1872, replaced Saturday Vann  
Saturday Vann  
Elowie 1875  
Not known 1877  
Coffee Blackbird 1879  
George Washington Scraper 1881  
Carter Daniel Markham 1883  
Henry Clay Ross 1885  
Coffee Blackbird 1887, died 1888, replaced by Charles  
Wickliffe, died, replaced by George Feeling 1888  
David Welch Ragsdale 1889  
Henry Clay Ross 1891, 1893 and 1895  
Edward Sylvester Adair 1897  
(From Emmet Starr, Starr's History of the Cherokee Indians, p. 285).

While court was in session there was normally a large number of district residents present, both as involved parties and disinterested spectators. To serve these a small community grew up around the courthouse, which included a large general store, a blacksmith shop, a "church or two," a doctor and a school (Morgan, p. 88-9). Today only the courthouse and the springhouse remain.



This particular site is most remembered for a "massacre" which occurred there on September 20, 1897. A shopkeeper of some prominence was shot by an unknown assailant. Dave Ridge, the district sheriff, had a particular suspect in mind, recalling certain grievances between the shopkeeper and the suspect, and went to interview him regarding the murder. During the discussion the suspect bolted and Ridge was shot and killed in the pursuit. Jesse Sunday, the incumbent sheriff who had been or was about to be replaced by the newly elected Ridge, formed a posse and was killed during the pursuit. There were never any conclusion drawn about the case, and it remains open.

Local historians speculate that the first government acreage payment to the Cherokee (from the sale of the so-called Cherokee Strip) was made at the courthouse in 1893, but evidence is inconclusive.

## PART II. ARCHITECTURAL INFORMATION

### A. General Statement:

1. Architectural character: The building was one of the several district courthouses built during the years of the Cherokee Nation, and is the only courthouse remaining to this day. Its architectural design is of plain, severe taste, consisting of a gable roof, unadorned windows and siding painted white.
2. Condition of fabric: Very good.

### B. Description of Exterior:

1. Over-all dimensions: The two-story, rectangular-shaped building measures 57' - 5" x 25' - 1-1/2". On the front elevation the first floor is six bays and the second floor is five bays.
2. Foundations: Uncoursed limestone is laid in mortar under the front and rear facades, but stacked without mortar under the end walls and under the porch. The right side (kitchen) floor joists under the first floor are further supported at about midspan with short 2" x 4" inch posts resting on large rocks.
3. Walls: The walls are of frame construction: sawn studs, beams and joists nailed together, and covered in weatherboarding which is four to five inches wide, painted white. The weatherboarding is fastened in place throughout with wire cut nails; less attention being given to the right hand side of the building in terms of neatness and care in carpentry. It seems likely that the whole building was re-sheathed when the double windows were installed, presumably after the turn of the century.
4. Structural system, framing: The sawn floor joists rest on sawn wall plates, and span the depth of the house.

5. Porch, stoops: Two poured concrete steps, about six feet wide, provide the entrance to a single-story porch which stretches across the entire front facade. On the bottom of rock piles are the 1" x 4" joists, which support the porch floor of tongue-and-groove boards. Seven square columns of boards, painted white, support the hipped roof. The ceiling and eave overhang are covered in novelty board siding.

On the rear facade to the extreme left in front of the kitchen door, is a three-step plank stoop.

6. Chimneys: The building has three chimneys: one of stone and two of brick. The first is an exterior chimney rising alongside the exterior of the left side wall, of scabbed, coursed ashlar lime-stone, on a concrete pad support. The rear of this chimney quickly narrows with stepped shoulders to an attenuated flue. The two other chimneys of brick rise along the interior of the right side wall and through the center of the building to above the ridge of the roof. They are built upon frame stands and are covered in novelty siding in the kitchen and entrance hall, respectively. They were made to serve as flues, probably for wood-burning cast-iron stoves.

7. Openings:

- a. Doorways and doors: The front door, a recent replacement, has in it a single large vertical pane of glass of which the lower half is covered with plywood. It has a simple enframing of plain four-inch wide boards. There are three rear doors. That on the extreme left, facing the rear facade, leads to the kitchen; it is a two-sash panel over two-panel door. Leading from the dining room is a single-sash over three-cross panel door, and lastly, from the rear of the staircase alcove, is a four-panel door, which is probably original. Both the dining room and the staircase alcove doors have screen doors, with scrolled brackets at the corners. All doors have plain molded trim.
- b. Windows: All windows have wooden single pane double-hung sash, although some are narrower than others. Two windows are coupled together on the left side of the front first floor.

8. Roof:

- a. Shape, covering: The simple gable roof, with its steep pitch, is covered with gray asphalt shingles, as is the roof of the porch.
- b. Cornice, eaves: The eaves are simply boxed. There is no cornice, although a wide board has been placed under the eaves and under the gable ends.

C. Description of Interior:

1. Floor plans:

- a. First floor: The front entrance, in the third bay to the left, opens into a large transverse entrance hall. This hall is flanked by a parlor on the left, and the dining room on the right, beyond which is a small kitchen. Behind the entrance hall, on the rear of the building, is a bedroom which has been added, and to its left, accessible only from the entrance hall, is the stairway alcove.
- b. Second floor: The second floor has been divided into a number of bedrooms. At the head of the stairs is a hallway with two bedrooms to the left (north) front and rear, a closet directly ahead, and a bedroom to the left. A long corridor leads to the south end of the building. The east side (back) is the bathroom, and beyond this are two large storerooms.

2. Stairway: The stairway in the center of first floor has a closed string, two-flight arrangement with square newels and plain rectangular balusters supporting a molded handrail.
3. Flooring: The first floor is predominantly 4-inch wide, well-laid tongue-and-groove boarding, although the kitchen is covered with marbelized linoleum pattern. The second floor has a 5-inch wide tongue-and-groove floor, covered in many rooms of the bedrooms with linoleum flooring in foliate patterns.
4. Wall and ceiling finish: The walls and ceilings of the entrance hall, the parlor and the dining room are of novelty boards and 4-inch tongue-and-groove boarding, indiscriminately mixed, and all are painted white. The storeroom, behind the entrance hall and the kitchen, have some wallpaper remaining. The ceilings are same as above. Upstairs, wide tongue-and-groove boards are used for the walls and ceilings almost everywhere, except in the rooms on either end of the building, which are covered with composition fiberboard, painted white.
5. Doorways and doors: Interior doors throughout the building are enframed with plain boards with rounded edges and plain head boards with narrow cove trim. Five-cross panel doors on either side of the hall provide access to the parlor and the dining room. A four-cross panel door leads to the storeroom-bedroom behind the entrance hall, and same type of this door is used throughout the upstairs section.
6. Decorative features and trim: The first floor parlor fireplace has a stone firebox, a plain enframement on either side, and a plain mantel supported by three brackets.

7. Hardware: Decorative cast boxlocks, patented July 21, 1868, with marbelized porcelain knobs and with stamped metal knobs, are used on the bedroom doors in the second floor.
8. Mechanical equipment:
  - a. Heating: Several cast-iron gas burners in the first floor bedroom-storeroom were used for heat; they have been disconnected.
  - b. Lighting: Incandescent lighting is used throughout the building.
  - c. Plumbing: A large sink is in the kitchen. A porcelain-covered cast-iron bathtub with claw-and-ball feet, a small oval-shaped sink and a small flush toilet are in the bathroom. All of these were probably produced in early 20th century.

D. Site:

1. General setting and orientation: The house faces due west, in a clearing at the end of a short drive just off a straight, gravel county road. It is about 3/4 mile from the highway. A cemetery is to the north of the house, and another one, smaller in size, is at the entrance to the driveway.
2. Historic landscape design: Old maple and elm trees surround the property.
3. Outbuildings: A single story, single bay, springhouse of coursed gray ashlar limestone is to the northwest of the house, on the other side of the drive. Battered, paneled columns support the projecting pediment, which has novelty board tympanum, in the bungalow manner. The frame roof was wood shingled, but has been covered over with present gray asphalt shingles. Two concrete piers flank the axial approach, which is a concrete sidewalk, through the center of a sunken semi-circular garden, which is now neglected. The springhouse has a plywood porch floor, a vertical board and horizontal batten door, and a pressed metal ceiling.

PART III. SOURCES OF INFORMATION

A. Bibliography:

1. Primary and unpublished sources:

Oklahoma City, Oklahoma. Indian Archives. Manuscript Records, Proceedings of the Cherokee National Council, Vol. 253, 1867-69, p. 18.

2. Secondary and published sources:

Morgan, Omer L., "The Saline Courthouse Massacre," Chronicles of Oklahoma, Volume xxxiii, No. 1, pp. 87-95.

Starr, Emmet, Starr's History of the Cherokee Indians, reprint of the 1922 edition, edited by Jack Gregory and Rennard Strickland. Fayette, Arkansas: Indian Heritage Association, 1967.

Tulsa World. Feature article, Tulsa World Sunday, Magazine. October 26, 1952.

Tulsa World. Newspaper article. "McSpadden Will Dedicate Cherokee Courthouse, Park" by Don Hayden, June 18, 1971.

Oklahoma City, Oklahoma. Oklahoma Historical Society. Newspaper Archives. "Notice to Contractors," Vinita Indian Chieftain, February 21, 1884, p. 2, col. 4; "Courthouse Will be Sold," The Indian Chieftain, Vinita, Oklahoma, January 16, 1902, p. 2, Col. 3.

Laws of the Cherokee Nation. Published by authority of the National Council. St. Louis, R. & T. Ennis, Stationers, Printers and Book Binders.

Laws and Joint Resolutions of the Cherokee Nation Enacted During the Regular and Special Sessions of the Years 1881-83. Published by authority of the National Council. Tahlequah, Oklahoma: E. C. Boudinot, Jr., Printer, 1884.

PART IV. PROJECT INFORMATION

The project was undertaken by the Historic American Buildings Survey (HABS) in cooperation with the Oklahoma Historical Society and the Cherokee National Historical Society. Under the direction of John Poppeliers, Chief of HABS, the project was completed during the summer of 1975, at the HABS Field Office on the campus of Northeastern Oklahoma State University, Tahlequah, Oklahoma, by Michael A. Tomlan (Cornell University), Project Supervisor; John D. Hnedak (Cornell University), Project Historian; Bethanie C. Grashof (University of Florida), Vicki J. Higgins (University of Cincinnati), Nicholas H. Holmes III (Auburn University) and Roger D. Swayze (University of Oregon), student assistant architects. The written descriptive data was edited for permanent HABS collection at the Library of Congress by Susan McCown, a HABS staff historian in the Washington, D.C. office, in the winter of 1981. Walter Smalling, Jr. of Heritage Conservation and Recreation Service, U.S. Department of the Interior took the documentary photos of the building in October of 1979.